

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 3/22/2019 12:29:49 PM
To: Strauss, Linda [Strauss.Linda@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]
CC: Keigwin, Richard [Keigwin.Richard@epa.gov]; Sisco, Debby [Sisco.Debby@epa.gov]; Han, Kaythi [Han.Kaythi@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]; Chiu, Enid [Chiu.Enid@epa.gov]
Subject: FW: Press inquiry - 24(c) questions

Linda and Cheryl,

Please see below OPP's response to the DTN's 24 (c) inquiry (OGC cleared):

Some questions for EPA, in light of this recent statement: "Due to the fact that section 24(a) allows states to regulate the use of any federally registered pesticide, and the fact that some states have instead used 24(c) to implement cut-off dates (and/or impose other restrictions), EPA is now re-evaluating its approach to reviewing 24(c) requests and the circumstances under which it will exercise its authority to disapprove those requests. Before making any changes in this regard, EPA intends to take public comment on any potential new approaches before adopting them."

1. **Why is EPA suddenly concerned about states using 24(c) to restrict federal labels? Is this a new phenomenon directly related to the 2016 and 2018 dicamba labels? What percentage of those annual 300 24(c) applications were more restrictive than federal labels before 2016? And then after 2016?**

Ex. 5 Deliberative Process (DP)

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2. Does EPA think states are restricting dicamba use by 24(c) unnecessarily?

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3. If this use of 24(c) is no longer permitted, will states have any other options to restrict pesticide use in their state, other than simply not registering a pesticide for use in the state at all?

Ex. 5 Deliberative Process (DP)

4. What role have dicamba manufacturers played in this re-evaluation of 24(c) restrictions in states? Has EPA received requests from BASF, Bayer (Monsanto) or Corteva to limit state use of 24(c)?

Ex. 5 Deliberative Process (DP)

Enid Chiu

Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
<https://www.epa.gov/pesticides>

From: Daguillard, Robert

Sent: Wednesday, March 20, 2019 12:01 PM

To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>

Subject: LINDA/OPP: DTN - 24(c) questions

DTN

EMILY UNGLESBEE

DDL COB.

Good morning team,

Let me know if you need anything else.

Cheers, R.

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Hi Robert, some questions for EPA, in light of this recent statement: "Due to the fact that section 24(a) allows states to regulate the use of any federally registered pesticide, and the fact that some states have instead used 24(c) to implement cut-off dates (and/or impose other restrictions), EPA is now re-evaluating its approach to reviewing 24(c) requests and the circumstances under which it will exercise its authority to disapprove those requests. Before making any changes in this regard, EPA intends to take public comment on any potential new approaches before adopting them."

1. Why is EPA suddenly concerned about states using 24(c) to restrict federal labels? Is this a new phenomenon directly related to the 2016 and 2018 dicamba labels? What percentage of those annual 300 24(c) applications were more restrictive than federal labels before 2016? And then after 2016?
2. Does EPA think states are restricting dicamba use by 24(c) unnecessarily?
3. If this use of 24(c) is no longer permitted, will states have any other options to restrict pesticide use in their state, other than simply not registering a pesticide for use in the state at all?
4. What role have dicamba manufacturers played in this re-evaluation of 24(c) restrictions in states? Has EPA received requests from BASF, Bayer (Monsanto) or Corteva to limit state use of 24(c)?

Story will be published tomorrow. Thanks.

Emily Unglesbee
Staff Reporter, DTN/The Progressive Farmer

DTN
Mobile Phone: + 402-637-3295

www.dtnpf.com

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